

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

TRANSCARE CORPORATION, et al.,

Debtors.

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Chapter 7  
Case No. 16-10407 (SMB)  
(Jointly Administered)

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SALVATORE LAMONICA, as Chapter 7  
Trustee for the Estates of TransCare  
Corporation, et al.,

Plaintiff,

- against -

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Adv. Proc. No. 18-1021 (SMB)

LYNN TILTON, PATRIARCH PARTNERS  
AGENCY SERVICES, LLC, PATRIARCH  
PARTNERS, LLC, PATRIARCH PARTNERS  
MANAGEMENT GROUP, LLC, ARK II CLO  
2001-1 LIMITED, TRANSCENDENCE  
TRANSIT, INC., and TRANSCENDENCE  
TRANSIT II, INC.,

Defendants.

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**DECLARATION OF MICHAEL T. MERVIS IN SUPPORT OF  
DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF  
PLAINTIFF'S PURPORTED EXPERT JONATHAN I. ARNOLD**

Michael T. Mervis declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct:

1. I am a partner at the law firm Proskauer Rose LLP, counsel for Defendants in the above-captioned adversary case. I submit this Declaration in support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiff's Purported Expert Jonathan I. Arnold (the "Motion"), and, in particular, to place before the Court the exhibits that are described herein and annexed hereto. Capitalized terms used but not defined herein have the meaning ascribed to them in the Memorandum in Support of the Motion, submitted herewith.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of Jonathan I. Arnold dated November 30, 2018.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the March 11, 2019 deposition of Jonathan I. Arnold, taken in the above-captioned adversary case.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an email from Melissa Provost (of Wells Fargo) to Glenn Leland (then-CEO of TransCare), dated October 14, 2015, bearing Bates number TRANSCARE00006334, attaching a document bearing Bates number TRANSCARE00006335 through TRANSCARE00006336.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Michael Greenberg (of Patriarch Partners) to Lynn Tilton and Jean Luc Pelissier (of Patriarch Partners Management Group, LLC), dated December 11, 2015, and accompanying chain, bearing Bates number PP-TRBK0002058 through PP-TRBK0002059.

6. Attached hereto as **Exhibit 5** is a true and correct copy of an email from Lynn Tilton to Michael Greenberg and Lynn Tilton, dated December 16, 2015, and accompanying chain, bearing Bates number PP-TRBK0075262 through PP-TRBK0075263.

7. Attached hereto as **Exhibit 6** is a true and correct copy of an email from Michael Greenberg to Lynn Tilton, dated December 11, 2015, and accompanying chain, bearing Bates number PP-TRBK0083461 through PP-TRBK0083463.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the of the October 29, 2018 deposition of Lynn Tilton, taken in the above-captioned adversary case.

9. Attached hereto as **Exhibit 8** is a true and correct copy of an email from Michael Greenberg to Carl Landeck (of CMAG) and Jonathan Killion (of CMAG), dated January 7, 2016, bearing Bates number CM\_TC2018\_0003369 through CM\_TC2018\_0003373, attaching an Excel spreadsheet bearing Bates number CM\_TC2018\_0003376.

10. Attached hereto as **Exhibit 9** is a true and correct copy of an email from Marc Pfefferle (of CMAG) to Jonathan Killion, Michael Greenberg, Jean Luc Pelissier, and Randy Jones (of Patriarch Partners), dated January 27, 2016, and accompanying chain, bearing Bates number CM\_TC2018\_0002108 through CM\_TC2018\_0002109, attaching a PowerPoint presentation bearing Bates number CM\_TC2018\_0002110 through CM\_TC2018\_0002124.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email from Michael Greenberg to himself, dated January 28, 2016, bearing Bates number PP-TRBK0013259, attaching excel chart bearing Bates number PP-TRBK0013273.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email from Michael Greenberg to Todd Trent (of Lockton Companies), dated February 24, 2016, bearing Bates number

PP-TRBK0086219 through PP-TRBK0086222, attaching excel chart bearing Bates number PP-TRBK0019229.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the transcript of the November 27, 2018 deposition of Glenn Leland, taken in the above-captioned adversary case.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an email from Glenn Leland to Lynn Tilton, dated March 7, 2015, bearing Bates number PP-TRBK0071446 through PP-TRBK0071450.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an email from Glenn Leland to Jean Luc Pelissier, dated July 9, 2015, and accompanying chain, bearing Bates number PP-TRBK0030896 through PP-TRBK0030899.

16. Attached hereto as **Exhibit 15** is a true and correct copy of an email from Glenn Leland to Michael Greenberg, dated July 9, 2015, and accompanying chain, bearing Bates number PP-TRBK0030905 through PP-TRBK0030908.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the transcript of the October 10, 2018 deposition of Michael Greenberg, taken in the above-captioned adversary case.

18. Attached hereto as **Exhibit 17** is a true and correct copy of an email from Lynn Tilton to Marc Pfefferle, dated January 14, 2016, and accompanying chain, bearing Bates number CM\_TC2018\_0001031 through CM\_TC2018\_0001035.

Executed this 8<sup>th</sup> day of July, 2019 in New York, New York.

/s/ Michael T. Mervis  
Michael T. Mervis, Esq.